IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL WRIT No. 2524 of 2007

STATE OF RAJ.
V/S
LRS OF LATE SHRI ASU SINGH & ORS.

Mrs. RR KANWAR, AGA, for the appellant / petitioner

Date of Order : 15.5.2007

HON'BLE SHRI N P GUPTA,J.

ORDER

Heard learned counsel for the petitioner.

Against the order of determination of ceiling proceedings after reopening, the order was passed by the learned Additional Collector on 29.5.98, determining that the respondent was holding 62 bighas of land in excess, and directing 37 bigha 13 biswa land to be resumed. Aggrieved of this order, two appeals were filed, one by the respondent and other by the petitioner. The respondent's appeal was appeal No.61/98, while that of the present petitioner was appeal No.28/99.

The respondent's appeal No.61/98 was decided vide order dated 30.6.99, and the same was allowed, and it was found that the respondent was not having any land in excess.

It is not known, as to why and how, the appeal filed by the present petitioner was not got decided together with the appeal No.61/98. However, when the appeal

No.28/99 came up for hearing on 11.6.2004, it was dismissed on the ground that the validity of the order dated 29.5.98 has already been adjudicated vide order dated 30.6.99, and that having been set aside, this appeal becomes infructuous.

Admittedly the order dated 30.6.99 had not been challenged so far, except being challenged in the present writ petition, which has been filed as late as on 27.9.2005. The validity of that order cannot be examined at such a belated stage, as there is no satisfactory explanation for the delay, and on the face of the order dated 30.6.99, obviously I do not find any ground to interfere with the order dated 11.6.2004. The writ petition is, therefore, dismissed summarily.

Before parting with the matter, I am constrained to observe, that this is a case coming to the notice in sequence of various other identical matters having come to notice of this Court, where more than one appeals are filed by the parties against the same order of lower Court, and neither of the parties take care to keep track of the other appeals, and such situation arises. In that view of the matter, the State will stand well advised to issue necessary instructions to the handling counsels to keep track of the matter, and at the same time learned Board of Revenue is also directed to evolve some mechanism, or system, to see, that more than one appeals or revisions, if filed against common order of the Court below, are tagged

together, and are decided together.

Copy of this order be sent to the Board of Revenue so also to the State.

(N P GUPTA),J.

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